

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IL VENTURES, LLC - A KETTLEBELL
KING SERIES and CHAD PRICE, PRICE
DIGITAL CONSULTANTS, LLC, JAY
PERKINS and NEHEMIAH HEARD,
Individuals,

Plaintiffs,

V.

FACTORY 14 UK ACQUISITION VI, LTD.,
FACTORY 14 UK ACQUISITION VII, LTD.,
FACTORY 14 UK ACQUISITION S.A.R.L.
and RAZOR GROUP GMBH,

Defendants.

Case No. 1:23-cv-00749-DII

DEFENDANTS' DESIGNATION OF EXPERT WITNESSES

Defendants Factory 14 UK Acquisition VI, Ltd., Factory 14 UK Acquisition VII, Ltd., Factory 14 UK Acquisition S.A.R.L., and Razor Group GMBH (“Defendants”) serve this Designation of Expert Witnesses pursuant to Federal Rule of Civil Procedure 26 and the Court’s First Amended Scheduling Order (Doc. 53).

A. Identity of Retained Experts Providing Reports.

The following witnesses have been retained or specially employed by Defendants to provide expert testimony in this case:

Saul Solomon
BERKELEY RESEARCH GROUP, LLC
700 Louisiana Street, Suite 2600
Houston, Texas 77002
(713) 481-9431

The subject of Mr. Solomon's opinions, and the factual basis for same, are disclosed in the Expert Rebuttal Report of Saul Solomon. Defendants reserve the right to supplement and/or

amend this designation and Mr. Solomon's Expert Rebuttal Report in accordance with the Federal Rules of Civil Procedure.

B. Identity of Non-Retained Experts Not Required to Provide a Report.

At this time, Defendants have no non-retained expert witnesses providing testimony under Federal Rules of Evidence 702, 703 and/or 705. Defendants reserve the right to supplement and/or amend this designation in accordance with the Federal Rules of Civil Procedure.

C. Cross-Designations.

Without conceding their expertise or qualifications to testify at this time, Defendants reserve the right to elicit opinion testimony from experts designated by other parties to this litigation. Moreover, without conceding their expertise or qualifications to testify at this time, Defendants hereby designate adverse parties, potentially adverse parties, and/or all witnesses associated with adverse parties, all parties to this suit, and all experts designated by any party to this suit, even if the designated party is not a party to this suit at the time of trial.

D. Reservation of Rights.

Defendants reserve the right to supplement this designation with additional designations of expert witnesses pursuant to the Federal Rules of Civil Procedure and the Court's scheduling order in this case. Defendants further reserve the right to call undesignated rebuttal expert witnesses, and to supplement the opinions of its already designated experts.

Defendants reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness at trial, and to re-designate the same as a consulting expert, who cannot be called by opposing counsel. In addition, Defendants reserve the right to elicit any expert opinion or lay testimony at the time of

trial which would be of benefit to the trier of fact to determine the material issues of fact and which would not be in violation of any existing court order or the Federal Rules of Civil Procedure.

Defendants reserve whatever additional rights they may have with regard to experts pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing the same, and the rulings of this Court.

Respectfully submitted,

FOLEY & LARDNER LLP

By: /s/ Scott D. Ellis

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**ATTORNEYS FOR DEFENDANTS
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ACQUISITION S.A.R.L., and RAZOR
GROUP GMBH**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all counsel of record on April 14, 2025.

/s/ Scott D. Ellis

Scott D. Ellis